

REMARKS

According to the Action, the examiner considers that the claims define there three patentably distinct inventions as follows:


- Group I claims 1-27, drawn to a method for determining the presence of a target sequence in a nucleic acid sample;
- Group II claims 28-32 and 35, drawn to a use of a method for high throughput detection; and
- Group III claims 33-39, drawn to an oligonucleotide primer(s) or probe(s) or a kit comprising oligonucleotide primer(s) or probe(s).

The Examiner explains her reasoning for deciding that the three groups do not fall into a single inventive concept under PCT Rules 13.1 and 13.2

Applicant's Response

Applicant herewith elects Group I (claims 1-27) with traverse, for further prosecution at this time. Applicants disagree with the Examiner's determination that the allegedly distinct inventions do not relate to a single general inventive concept under PCT Rule 13.1 and that they lack the same or corresponding special technical features under PCT Rule 13.2. Applicants believe that the first product broadest product for use in the method of claims 1-27, indeed provides a special technical feature over the prior art. For this reason, Applicants respectfully request withdrawal of the Restriction Requirement for Groups II and III.

Respectfully submitted,
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